

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION.

FILED

APR 20 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

UNITED STATES OF AMERICA

VS.

STRIEVER ARADILLAS DAVID

Case No. 2:20-CR-01305(1)-AM

DR-22-CV-00020

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MOTION TO RETURN SEIZED PROPERTY

Now Comes, STRIEVER ARADILLAS DAVID, Petitioner, pro se,¹
pursuant to Federal Rules of Criminal Procedure, Rule 41(g), and
respectfully moves this Honorable Court to direct that certain
property belonging to him, schedule of which is annexed hereto,
and was unlawfully taken from Petitioner on the date he was arrested
on July 9, 2020, at the premises location at: 5825 Gaston St.
Houston, Texas 77016, be return to the Petitioner.

JURISDICTION

Rule 41(g) provides:

Motion to Return Property. A person aggrieved by an unlawful
search and seizure of property or by the deprivation of property

¹ Pro se plaintiffs are held to a more lenient standard than are lawyers
when analyzing a complaint, but pro se plaintiffs most still plead factual
allegations which raise the right to relief above the speculative level.
Chhim v. University of Texas at Austin, 836 F.3d 467, 469 (5th Cir. 2016)
"The plausibility standard is not akin to a 'probability requirement', but
it asks for more than a sheer possibility that a defendant has acted un-
lawfully." Iqbal, 556 U.S. at 678. See Erickson v. Pardus, 551 U.S. 89, 127

move for the property's return. The motion must be filed in the District Court where the property was seized. The Court must receive evidence on any factual issue necessary to decide the motion. If it grants the motion, the Court must then return the property to the Movant, but may impose reasonable conditions to protect assess to the property and its use in later proceedings.

BACKGROUND

A Federal grand jury in the Western District of Texas return an indictment charging David Striever - Aradillas with 8 U.S.C. § 1326 illegal reentry into the United States (Count One).

Petitioner plead guilty to Count One of the Indictment, subsequently was sentenced by judge Moses on February 4, 2021 to a 27 months term of imprisonment followed by 3 years term of supervision release as to Count One.

PROPERTY SEIZED

Among the list of properties that was seized from Petitioner's includes: 1) Social Security Identification Card; 2) Institution National Electoral ("INE") Mexican Card; 3) Counsel Matricule Mexican; 4) Mexican Debit Card (Banco Azteca); and

S.Ct. 2197, 2200. 167 L. Ed. 2d 1081 (2007)(citing Estelle v. Gamble, 429 U.S. 97, 97 S. Ct. 285, 292, 50 L. Ed 251 (1976)); see also Haines v. Kerner, 404 U.S. 519, 92 S. Ct. 594, 595-96, 30 L. Ed 2d 652 (1972)(noting that allegations in a pro se complaint, however inartfully pleaded, are held to less stringent standards than formal pleadings drafted by lawyers).

5) White Cellular Telephone at 5825 Gaston Street, Houston, Tx. 77016. Thus herein Petitioner request that all the aforesaid properties be returned to him. See annexed property listed attached hereto.

Hence, the Petitioner property such as his INE Mexican Card and Counselor Matricule mexican are very valuable documents to him. As well as, the Petitioner Cellular Phone which contains certain valuable information.

WHEREFORE, Petitioner prays that this Honorable grant the within Motion For Return of Seized Property, and the Petitioner's properties hereby ordered return to Adan W. Striever, 10120 Irvington Blvd. # 9, Houston, Tx. 77076.

Respectfully submitted on this 11 day of April 2022.

David Striever A.

STRIEVER ARADILLAS DAVID
Register Num. 48841-480
Giles W. Dalby C. F.
805 North Avenue F
Post, Tx 79356.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That and correct copy of this foregoing instrument has been mailed with first class postage affixed thereto on this 11 day of April 2022, by hand delivering the same to staff for processing through the internal legal mail system correctly addressed to :

ASSISTANT UNITED STATES ATTORNEY
Alexander Eugene Brown
111 E Broadway St. Ste. A-300
Del Rio, Texas 78840.

Executed under penalty of perjury pursuant to 28 U.S.C. § 1746, on this 11 day of April, 2022.

David Striever A

STRIEVER ARADILLAS DAVID
Reg. # 48841-480
Giles W. Dalby C. F.
805 North Avenue F
Post, Tx 79356.

CERTIFIED MAIL

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Striever Aradillas David

48841-480

Giles W. Dalby Correctional facility

805 North Avenue F

Post, Tx 79356.



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WESTERN DISTRICT OF TEXAS

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UNITED STATES COURTHOUSE

111 East Broadway Street Room L100

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